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**UNITED STATES BANKRUPTCY COURT**

**DISTRICT OF NEVADA**

In re:  
  
THE RHODES COMPANIES, LLC, aka  
"Rhodes Homes," et al.,

Reorganized Debtors

Case No.: 09-14814-LBR  
(Jointly Administered)

Chapter 11

**NOTICE OF HEARING ON (1)  
MOTION TO STAY THE ORDER  
DENYING MOTION TO QUASH RULE  
2004 EXAMINATION AND  
CORRESPONDING SUBPOENAS AND  
(2) MOTION FOR RECUSAL**

☒ Affects all Debtors

☐ Affects the following Debtors

Hearing Date: January 6, 2012  
Hearing Time: 9:30 AM  
Place: Courtroom 1

**NOTICE IS HEREBY GIVEN** that James M. Rhodes ("Rhodes") has filed the following motions with the Court: (1) **MOTION TO STAY THE ORDER DENYING MOTION TO QUASH RULE 2004 EXAMINATION AND CORRESPONDING SUBPOENAS**, which was filed on November 9, 2011 [Docket No. 1597] (the "**Motion to**

1 **Stay**") and (2) **MOTION FOR RECUSAL**, which was filed on November, 14, 2011 [Docket  
 2 No. 1598] (collectively, the "**Motions**"). First, the Motion to Stay respectfully requests that the  
 3 Court enter an order, pursuant to Rule 8005 of the Federal Rules of Bankruptcy Procedure,  
 4 staying the October 12, 2011 *Order Denying Motion to Quash Rule 2004 Examination and*  
 5 *Corresponding Subpoenas* [Docket No. 1570] pending the adjudication of Rhode's appeal of the  
 6 Order. Second, the Motion for Recusal respectfully moves the Court pursuant to 28 U.S.C. § 455,  
 7 made applicable by Rule 5004 of the Federal Rules of Bankruptcy Procedure, for entry of an  
 8 order disqualifying the Honorable Linda B. Riegler, United States Bankruptcy Judge, from  
 9 presiding over any proceeding or contested matter in the above-entitled bankruptcy case. Any  
 10 opposition must be filed pursuant to Local Rule 9014(d)(1).

11  
 12 **NOTICE IS FURTHER GIVEN** that if you do not want the court to grant the relief  
 13 sought in the Motions, or if you want the court to consider your views on the Motions, then you  
 14 must file an opposition with the court, and serve a copy on the person making the Motions no  
 15 later than 14 days preceding the hearing date for the motion, unless an exception applies (see  
 16 Local Rule 9014(d)(3)). The opposition must state your position, set forth all relevant facts and  
 17 legal authority, and be supported by affidavits or declarations that conform to Local Rule 9014(  
 18 c).  
 19  
 20

21 If you object to the relief requested, you *must* file a **WRITTEN** response to this  
 22 pleading with the Court. You *must* also serve your written response on the person  
 23 who sent you this notice.

24 If you do not file a written response with the Court, or if you do not serve your  
 25 written response on the person who sent you this notice, then:  
 26

- The Court may *refuse to allow you to speak* at the scheduled hearing; and
- The Court may *rule against you* without formally calling the matter at the hearing.

**NOTICE IS FURTHER GIVEN** that the hearing on the Motions will be held before a United States Bankruptcy Judge, in the Foley Federal Building, 300 Las Vegas Boulevard South, Third Floor, Bankruptcy Courtroom No. 1, Las Vegas, Nevada 89101 on **January 6, 2012, at the hour of 9:30 AM.**

DATED this 22nd day of November, 2011.

/s/ David R. Hague

Kevin N. Anderson

David R. Hague

FABIAN & CLENDENIN

*Attorneys for James M. Rhodes*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 22nd day of November, 2011, I caused the foregoing document to be filed electronically via the electronic filing system of the United States Bankruptcy Court for the District of Nevada, which caused a true and correct copy of the foregoing to thereafter be served electronically via the Bankruptcy Court's ECF noticing system upon those parties registered to receive electronic service in this case.

/s/ David R. Hague

4817-6662-1198, v. 1